THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :24894 of 2007

DATED:07-12-2007

BETWEEN:

Smt. Sama Vijayaprada.

..... PETITIONER

AND

The Tahsildar,
A.Konduru mandal,
Krishna District.

.....RESPONDENT

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondent.

2. Petitioner seeks a writ of mandamus declaring the action of the respondent herein in issuing the impugned notice contained in S.R.No. /07, dated 14-08-2007, as illegal, arbitrary, and consequently direct the respondent not to initiate any action to dispossess the petitioner herein from the land admeasuring Ac.3.76 cents forming part of R.S.No.145/1 and 145/2 (i.e., Ac.2.00 cents in R.S.No.145/1 and Ac.1.76 cents in R.S.No.145/2) of Cheemalapadu village, A.Konduru mandal, Krishna District.

3. It is stated that for the said show cause notice petitioner filed an explanation, dated 05-09-2007, and even before the said explanation is considered and disposed of, respondent is taking steps to dispossess the petitioner. Hence, the present Writ Petition.

4. Learned Government Pleader appearing for the respondent submits that pursuant to the show cause notice final orders, dated 12-09-2007, have been passed by the respondent-Tahsildar, A.Konduru mandal in proceedings Spl.Reg.No.9/07, stating that the said land was originally assigned in favour of one Dharavathu Ale and Dharavathu Gole of Cheemalapadu

village but the said land has been found in possession of the petitioner and therefore show cause notice, dated 30-05-2007, had been served on 31-05-2007 calling upon the petitioner to submit explanation within fifteen days and the petitioner filed an explanation stating that she is a *bona fide* purchaser of the said land in good faith. The said explanation was considered and the resumption orders have been passed under Section 4(1) (a) of the Act. Admittedly, appeal lies against the said order before the concerned Revenue Divisional Officer under Section 4A (1) of the Act, and appeal is to be filed within ninety days from 12-09-2007. It is further stated that the said order has not been served.

5. Having regard to the facts and circumstances, petitioner is permitted to file an appeal against the said order, dated 12-09-2007, in Spl.Regn.No.9/07 of the respondent within ten days from today as the copy of the said order has been furnished to the petitioner, and if any such appeal is filed before the concerned Revenue Divisional Officer within ten days from today, pending disposal of the appeal, *status quo* obtaining as on today, with regard to possession shall be maintained.

6. Accordingly, Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

07th December, 2007.
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